

EXHIBIT C

1 M2m2TerC
2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----x

In re: TERRORIST ATTACKS ON 03 MDL 1570 (GBD)
SEPTEMBER 11, 2001
-----x

HAVLISH, *et al.*, 03 Civ. 9848 (GBD)

Plaintiffs,
v.

BIN LADEN, *et al.*,

Defendants.

JOHN DOES 1 through 7, 20 Misc. 740 (GBD)

Plaintiffs,

v.

THE TALIBAN, *et al.*,

Defendants.

-----x Remote Conference

New York, N.Y.

February 22, 2022

9:30 a.m.

Before:

HON. SARAH NETBURN,

Magistrate Judge

M2m2TerC

1 APPEARANCES

2 DO CAMPO & THORNTON, P.A.
3 Attorneys for John Does 1-7 Plaintiffs
4 BY: JOHN THORNTON
ORLANDO DO CAMPO
DANIELA JARAMILLO

5 JENNER & BLOCK, LLP
6 Attorneys for Havlish Creditors
7 BY: LEE S. WOLOSKY
DOUGLASS A. MITCHELL

8 - and -

9 WIGGINS CHILDS PANTAZIS FISHER GOLDFARB, PLLC
10 Attorneys for Havlish Creditors
BY: DENNIS G. PANTAZIS
TIMOTHY B. FLEMING

11 - and -

12 RAMEY & HAILEY
13 Attorneys for Havlish Creditors
BY: RICHARD D. HAILEY

15 KREINDLER & KREINDLER
16 Attorneys for Ashton Plaintiffs
BY: MEGAN WOLFE BENNETT
JAMES P. KREINDLER
ANDREW J. MALONEY III

18 - and -

19 SPEISER KRAUSE, P.C.
20 Attorneys for Ashton Plaintiffs
BY: JEANNE M. O'GRADY

21 - and -

22 SHER TREMONTE, LLP
23 Attorneys for Ashton Plaintiffs
BY: MICHAEL TREMONTE

24 - and -

M2m2TerC

1 APPEARANCES
2 (continued)

3 BAUMEISTER & SAMUELS, PC
4 Attorneys for Ashton Plaintiffs
BY: THEA CAPONE

5 MOTLEY RICE LLC
6 Attorneys for Burnett Plaintiffs
7 BY: ROBERT T. HAEFELE
JODI WESTBROOK FLOWERS
DONALD MIGLIORI

8
9 ANDERSON KILL P.C.
10 Attorneys for O'Neill Plaintiffs
BY: JERRY S. GOLDMAN
BRUCE STRONG

11
12 COZEN O'CONNOR
13 Attorneys for Federal Insurance Plaintiffs
BY: SEAN P. CARTER
J. SCOTT TARBUTTON

14
15 DAMIAN WILLIAMS
16 United States Attorney for the
Southern District of New York
BY: JEANNETTE A. VARGAS
Assistant United States Attorneys

17
18 KELLOGG HANSEN TODD FIGEL & FREDERICK PLLC
19 Attorneys for Kingdom of Saudi Arabia
BY: GREGORY G. RAPAWY

20
21 WHITE & CASE, LLP
22 Attorneys for Republic of the Sudan
BY: CHRISTOPHER M. CURRAN
NICOLE ERB
CLAIRE A. DeLELLE

23
24 Also Present:
25 Joseph Borson, Department of Justice - Civil Division

M2m2TerC

1 If the Court is inclined to instruct the parties to
2 meet and confer, as Mr. Carter suggested, I think we would
3 likely be in agreement with that. Alternatively, another
4 procedure that would be consistent with ensuring fairness to
5 all of the 9/11 families would be to address the pending
6 motions for final damages judgments, to schedule briefing on
7 the threshold questions of attachability of the remaining
8 blocked assets under TRIA, and we think at the same time to
9 schedule briefing on the question of the appropriate proceeding
10 for enforcing the judgments. And that, of course, is a
11 potentially very consequential set of issues as to enforcement
12 and, again, it is one with respect to which the interested
13 parties, the full range of interested parties should be heard,
14 and there is clear authority for that, in our view, under the
15 CPLR.

16 THE COURT: Can I interrupt you for a second?

17 MR. TREMONTE: Yes.

18 THE COURT: What is the authority? Your clients, as I
19 understand it, have no judgments against these entities for
20 which you could attach to the funds. So what standing does
21 your client have, do you have to challenge the procedural
22 mechanism by which the Havlish and Doe plaintiffs seek to
23 proceed on their execution? I understand that you might have a
24 right to, whether it is sort of interplead or otherwise join
25 the turnover proceeding, but why do you have a say on how they

M2m2TerC

1 proceed as a procedural matter?

2 MR. TREMONTE: Yes, your Honor.

3 So in addition to the interpleader rights, which we
4 agree that we clearly have, we think that we are also
5 interested persons within the meaning of CPLR 5240, and that is
6 a provision that affords the Court very broad powers upon the
7 motion of an interested party or, frankly, on the Court's own
8 initiative within the clear language of the provision to
9 modify, limit, and condition the use of any enforcement
10 procedure. And so we think at a minimum that provision affords
11 us standing to be heard and to brief the issues in connection
12 with the appropriate procedure, especially in connection with
13 such a unique set of circumstances as this one, where ensuring
14 fairness to the 9/11 families, to all of them, not just a very
15 small minority, is of paramount importance. So that is the --

16 THE COURT: Understood. I don't think it needs to be
17 said, but obviously I also am interested in fairness. I still
18 don't understand how you would be, under the law, an interested
19 party other than speculatively because your clients have no
20 judgment and some motions have been filed, some motions are
21 anticipated. Who know when those will actually be addressed.
22 But the interest that you hold at this point is essentially
23 speculative until you have a judgment. I understand that you
24 have an interest generally because your interest is in
25 providing fairness and equity to all of the 9/11 families, but

M2m2TerC

1 discuss today?

2 MR. WOLOSKY: Lee Wolosky. No, your Honor, for
3 Havlish.

4 MR THORNTON: John Thornton. No, your Honor, for the
5 Doe plaintiffs.

6 THE COURT: Great. Thank you.

7 Ms. Vargas, anything further from the government?

8 MS. VARGAS: Not at this time, your Honor.

9 THE COURT: Okay. And anything further from any of
10 the other plaintiffs' counsel who have spoken today?

11 A VOICE: No, your Honor.

12 A VOICE: No, your Honor.

13 A VOICE: No, your Honor.

14 THE COURT: All right. Thank you very much.

15 Ms. Vargas, I will look out for your proposed order. I hope
16 everybody remains healthy and safe.

17 We are adjourned. Thank you.

18 COUNSEL: Thank you.

19 oOo

20

21

22

23

24

25